

# In the United States Court of Federal Claims

## OFFICE OF SPECIAL MASTERS

(Filed: September 10, 2010)

<b>ELIZABETH NEVES, Individually</b>	)	
<b>and as Next Friend of SIERRA NEVES,</b>	)	
<b>a minor</b>	)	No. 02-607V
	)	
	)	Orders; Failure to Submit
<b>Petitioner,</b>	)	Supporting Medical Records
	)	or Expert Opinion;
<b>v.</b>	)	Failure to Prosecute
	)	
<b>SECRETARY OF THE DEPARTMENT</b>	)	
<b>OF HEALTH AND HUMAN SERVICES,</b>	)	
<b>Respondent.</b>	)	
	)	

### DECISION<sup>1</sup>

**CAMPBELL-SMITH**, Special Master:

The above-named petitioner filed a Petition For Compensation on behalf of her minor child on March 5, 2004. The undersigned granted petitioner's attorney's motion to withdraw from this case on April 6, 2010, and ordered petitioner to provide a status report to the court. Petitioner failed to respond to that order. On May 7, 2010, the undersigned ordered petitioner to show cause by June 4, 2010, why this case should not be dismissed for failure to prosecute. Petitioner failed to respond to that order as well.

The undersigned warned petitioner that noncompliance with court orders would

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<sup>1</sup> Because this decision contains a reasoned explanation for the undersigned's action in this case, the undersigned intends to post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

not be tolerated and could lead to dismissal of petitioner's claim. See Order filed April 6, 2010; Order filed May 7, 2010.

Petitioner has failed to respond to any of the court's orders in the instant case. Further, petitioner has failed to file sufficient medical records or the opinion of an expert to support petitioner's claim in the instant case.<sup>2</sup> Accordingly, pursuant to Vaccine Rule 21(b), the undersigned dismisses petitioner's claim for failure to prosecute, failure to comply with the Vaccine Rules, failure to comply with the court's orders, and failure to submit evidence that would tend to demonstrate that the petitioner is entitled to compensation under the Vaccine Act. The Clerk shall enter judgment accordingly.

**IT IS SO ORDERED.**

s/Patricia E. Campbell-Smith  
Patricia E. Campbell-Smith  
Special Master

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<sup>2</sup> The Vaccine Act provides that a special master cannot find that a petitioner has proven his case by a preponderance of the evidence based upon "the claims of a petitioner alone, unsubstantiated by medical records or medical opinion." 42 U.S.C. § 300aa-13(a). Petitioner's failure to file medical records has prevented the undersigned from addressing any aspect of the merits of petitioner's claim.